

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT  
P.O. BOX 5009  
BECKLEY WV. 25801

**FILED** VIRG

SEP 5 2003

IVAN L. JOHNSON, 00276000

Plaintiff,

v.

Mr. Troy Williams

Defendant (s).

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CIVIL NO. TRT-MXR-2003-00

CA No. 5:03-2130

U. S. District & Bankruptcy Court  
Southern District of West Virginia

PETITION PURSUANT TO 28 U.S.C.  
SECTION 1331

PETITIONER FILED IN THIS HONORABLE COURT FOR THE

SOUTHERN DISTRICT OF WEST VIRGINIA

BY PLAINTIFF: IVAN L. JOHNSON

1331 Form

FORM TO BE USED BY FEDERAL PRISONERS IN FILING A COMPLAINT  
UNDER 28 U.S.C. § 1331

In the United States District Court

For the SOUTHERN DISTRICT OF  
WEST VIRGINIA

IVAN JOHNSON

(Enter above the full name of the  
plaintiff or plaintiffs in this  
action)

v.

Mr. TROY WILLIAMS

(Enter the full name above of the  
defendant or defendants in this  
action).

I. Place of Present Confinement F.C.I. BECKLEY

II. Previous Lawsuits

A. Have you begun other lawsuits dealing with the same facts involved  
in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No X

B. If your answer to A is yes, describe each lawsuit in the space  
below. (If there is more than one lawsuit, describe the additional  
lawsuits on another piece of paper, using the same outline).

III. In order to proceed in federal court you must ordinarily fully exhaust your administrative remedies as to each ground on which you request action by the federal court.

A. Did you fully exhaust, including appeals, your administrative remedies pursuant to the Bureau of Prisons Policy Statement 1330.07? Yes X No \_\_\_\_\_

B. If your answer to A is yes,

1. What steps did you take?

"I had given the 8 1/2, Monetary Rule + the unit manager Mr. Ballard on January 13, 2003."

2. What was the result? "I have never received a answer from that 8 1/2, see, date, March 4, 2003, that is attached to the BP8 and BP9. I had talked to Morden TROY, on February 26, 2003 and he told me to talk to his assistance, whom over sees the staff. March 3, 2003, at 3:15 I had gotten a 9 1/2, see letter May 21, 2003 Bottom Paragraph.

C. If your answer to A is no, why not? Staff. March 3, 2003, at 3:15 I had gotten a 9 1/2, see letter May 21, 2003 Bottom Paragraph.

IV. Parties

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of plaintiff IVAN L. JOHNSON 00274000 PINE B, Lower  
F.C.I. Beckley P.O. Box 350  
BEAVER, WEST VIRGINA 25813

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank. Use Item C for the names, positions, and place of employment of any additional defendants).

B. Defendant Mr. Troy Williams is employed as Warden  
at FEDERAL CORRECTIONAL  
INSTITUTION - BECKLEY, P.O. Box 350, BEAVER, WV 25813

C. Additional Defendants Mr. Ken Laws, Mr. PA, "S-Rose",  
Known and UNKNOWN, B.O.P. Staff.

V. Cause of Action

(List hereunder the different causes of action that are the grounds for the prosecution of this law suit.)

1. Negligence; Pain and Suffering

2.

3.

VI. Grounds for relief

(Hereunder set out the factual allegations that you consider as establishing a basis for your requested relief under the specific cause/s of action/s.) (If additional space is necessary, include as attachments.) "This was my first time being lock up in the

1. special housing unit, and I was Not Worn, Nor was there any Cauton Signs, about when it rains, the special housing unit, have a Sewer back up problem that
2. cause the Cellie, hallway, and Shower, that are in the Cells to be flooded.
3. ~~I~~ I NEVER Experience Pain like I am exper today.
4. See attachment to BP8 and BP9, Mr. Ken Laws, the assistant health Care administrator Statment.

VII. Relief sought

(Hereunder itemize the specific relief you exact to obtain on the prosecution of this law suit.)

1. \$100,000.00

2.

Wherefore, your Plaintiff respectfully requests that this Honorable Court grant the within relief sought and any other relief that this Court deems just and proper.

Signed this 3 day of September 2003.

IVAN JOHNSON

(Signature of plaintiff or  
plaintiffs)

Executed at FEDERAL CORRECTIONAL INSTITUTION - BECK  
P.O. BOX 350, BEAVER, WEST VIRGINIA 25813  
(Name of Institution, City, County)

I declare under penalty of perjury that the foregoing  
is true and correct.

Executed on September 3, 2003  
(Date)

~~IVAN~~  
Ivan L. Johnson

(Signature of plaintiff or  
plaintiffs)

after Septem 29, I will be in  
Washington D.C., DC Jail 1901 Dst SE  
or C.T.F 1901 E St. SE - Wash DC 20003

MY DC-DC Number, 203-808

AFTER March 2004

my home address will be  
1358 C St NE Washington D  
20002

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MARCH 7, 2003

*for Linda Carl*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
BECKLEY FCI

TO : IVAN L JOHNSON, 00276-000  
BECKLEY FCI UNT: PINE QTR: P05-117U  
PO BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 292481-F1 ADMINISTRATIVE REMEDY REQUEST  
DATE RECEIVED : MARCH 6, 2003  
SUBJECT 1 : ADMINISTRATIVE REMEDY PROCEDURES  
SUBJECT 2 : MEDICAL CARE - DELAY OR ACCESS TO  
INCIDENT RPT NO:

REJECT REASON 1: YOU DID NOT SUBMIT YOUR REQUEST THROUGH YOUR COUNSELOR, OR OTHER AUTHORIZED PERSON.

REJECT REASON 2: YOU DID NOT ATTEMPT INFORMAL RESOLUTION PRIOR TO SUBMISSION OF ADMINISTRATIVE REMEDY, OR YOU DID NOT PROVIDE THE NECESSARY EVIDENCE OF YOUR ATTEMPT AT INFORMAL RESOLUTION.

REJECT REASON 3: YOU RAISE MORE THAN ONE ISSUE/RELATED ISSUE OR APPEAL MORE THAN ONE INCIDENT REPORT (INCIDENT NUMBER). YOU MUST FILE A SEPARATE REQUEST/APPEAL FOR EACH UNRELATED ISSUE OR INCIDENT REPORT YOU WANT ADDRESSED.

REJECT REASON 4: YOU MAY ONLY SUBMIT ONE CONTINUATION PAGE, EQUIV. OF ONE LETTER-SIZE (8.5 X 11) PAPER. TEXT ON ONE SIDE. THE TEXT MUST BE LEGIBLE.

~~REJECT REASON~~ 5: YOU MAY RESUBMIT YOUR REQUEST IN PROPER FORM WITHIN 5 DAYS OF THE DATE OF THIS REJECTION NOTICE.

*See your Unit Team regarding proper  
filing procedures.*

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: JOHNSON IVAN L 00276000 PINE BLAVER F.C.I. Beck  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

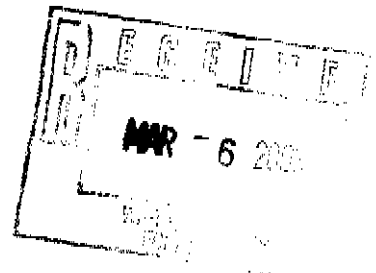
## Part A- INMATE REQUEST

Sir, My Federal Civil Rights, has been violated by this administration, and the violation was me trying to start my BP-8 and it has not been answered ~~in about two months~~ two months since January 12, 03

March 4, 2003  
DATE

Ivan L Johnson  
SIGNATURE OF REQUESTER

## Part B- RESPONSE



DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 292451-F

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

Date: March 4, 2003  
Attachment to BP8 & BP9

I Never received a answer to the 8½

At approximately 7:30 p.m., on January 12, 2003, I, Ivan L. Johnson, Reg. No. 00276000, Unit Pine B-Lower, handed Mr. J. Grimes, the counselor for Pine B-Lower a Monetary Rule, 8½, as he was sitting down in his office, and read it, and then (quoted) he said, "Monetary Rule, get that shit out of here, I am not signing it, sue them and take them to court as far as I care!" (unquoted)

January 13, about 12:30 p.m. lunch time in the dining room, I had told the Warden about the blunt statement Mr. Grimes had said, and he said, "give it to Mr. Ballard," Mr. Troy quoted. At 3:10 p.m. the same day January 13, 2003, Mr. Ballard, said, "Give it to me, the 8½, and I will have Mr. Grimes, to sign it. (unquote).

January 30, 2003, I have went to my team review about 1:00 p.m., and at the conclusion of that meeting, I had ask Mr. Ballard, about the Monetary Rule, and he said, "I have the 8½, on my desk and it will be there until I make up my mind, what to do with it..."

On Friday February 14, at 9:00 a.m., I have talked to Mr. Ballard, and he said, "the 8½, Monetary Rule is still on his desk, and he might give me a respond to it on Monday the 17<sup>th</sup> of February 2003. February 20, 2003, I think because of the holiday, and now I was not able to obtain the respond to the 8½, but today's date is Feb 20, 03, and I am still waiting for it.

Feb 24, 2003, This morning I had talked to Mr. Ballard about the 8½ Monetary Rule, and he said that he will give it to me tomorrow.

Over



I have talk to the Warden Mr. TROY, again on the Feb 26, 2000's, and he told me to talk to the asst, Warden?, the tall man in the green coat, because he is in charge of all the affairs. C/O.  
March 3, 2000's, at 3:10 pm, and had gotten a 9 1/2

August 1, 1997  
Attachment AREQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI, BECKLEY, WEST VIRGINIA

.....  
 The Bureau of Prisons Program Statement on Administrative Remedy Procedures for Inmates, states that before an inmate seeks formal review of a complaint, he must try to resolve the complaint informally by presenting it to a staff member. The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.  
 .....

INMATE'S NAME: Ivan L. Johnson NO. 00276--000 UNIT Pine B Lower

1. Specific Complaint: On Oct. 11, 2002, while housed in SHU, I slipped & fell on a flooded floor, which caused me continued medical problems.

SEE ATTACHED

2. Relief Requested: Monetary under Rule 84

3. Date/Time Complaint received from inmate: \_\_\_\_\_

4. Date/Time Informally discussed with inmate: \_\_\_\_\_

5. Staff Response: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Date Administrative Remedy provided: \_\_\_\_\_

7. Informal Resolution was / was not accomplished.

\_\_\_\_\_  
 INMATE'S SIGNATURE/REGISTER NO.

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 STAFF MEMBER'S NAME & TITLE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 UNIT MANAGER'S SIGNATURE

\_\_\_\_\_  
 DATE

**DISTRIBUTION:** If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

ATTACHMENT TO BP8

NEGLIGENCE: Pain and Suffering

At approximately 12:00 noon, right after lunch on the date of October 11, 2002, I "Ivan L. Johnson" reg. #00276-000 was taking a shower in the Special Housing Unit, cell Z01-017 at FCI Beckley. As I was exiting the shower, I slipped and fell on the wet and flooded floor.

Later, I was told that the sewer had backed up. This was due to inmates placing sheets, towels and other items in the toilet. Quoted from "Mr. Ken Laws", the Assistant Health Care Administrator. I was also told the flooding was caused by the rain on Oct. 11, 2002.

I am experiencing muscle and body pains, also on my complete left side of my body. I am also suffering and experiencing dizzy spells and headaches.

Pain is constantly moving all over my upper and lower body. My heel, calves, lumbar, shoulder, and in my right hand. Please check medical records and consult with PA S. Rosc.

*Ivan L. Johnson* 1/12/03  
Ivan L. Johnson  
#00276-000

*Witness*  
*Thomas Johnson*  
04715-007, PINE A Lower  
*Ronald Bridges*  
12331-074



**U. S. Department of Justice**

**Federal Bureau of Prisons**

*Federal Correctional Institution*

1600 Industrial Park Road  
Beaver, West Virginia 25813

May 21, 2003

Ivan Johnson  
Register No. 00276-000  
FCI Beckley  
Box 350  
Beaver, West Virginia 25813

Re. Your Tort Claim No. TRT-MXR-2003-00447

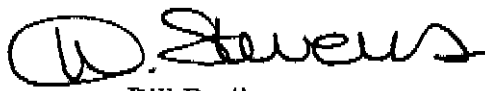
Dear Mr. Johnson:

Your claim has been considered for administrative settlement under the Federal Tort Claims Act, 28 U.S.C. § 2671, *et. seq.*, and authority granted under 28 C.F.R. § 0.172. You claim government liability in the amount of \$100,000.00 for injury that occurred on October 11, 2002. Specifically, you contend you slipped and fell when you stepped out of the shower stall in the Special Housing Unit at FCI Beckley, and that the fall was caused by water on the floor coming from a backed-up hall drain. You claim the fall has caused you muscle and body pain on your left side, dizzy spells and migraine headaches.

Investigation into your claim reveals that on October 11, 2002, you reported to Health Services staff that you slipped and fell when exiting the shower stall in the Special Housing Unit. Medical staff found you had suffered muscle strain and a contusion to your lumbar spine. You were instructed to rest, apply ice compresses to the area, and to take Motrin for pain. You were also x-rayed on October 11, 2002, which verified your suffered from no fractures or other abnormalities.

There is no evidence staff knew of the alleged condition of the floor in your cell at the time of your fall. Rather, it appears the backed-up hall drain was contemporaneous with your shower. Accordingly, your claim is denied. This is a final denial of your claim. If you are not satisfied with this determination, you have six months from the date of the mailing of this notification to bring suit in an appropriate United States District Court, should you wish to do so.

Sincerely,

  
Bill Burlington  
Regional Counsel